

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/13/2025
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THEOFILOS MIHALATOS,

Plaintiff,

-against-

BEAVER BAKE CORP. d/b/a TRADERS  
EXPRESS DELI, et al.,

Defendants.

24-CV-6131 (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

On May 1, 2025, the Court scheduled a status conference in this action for June 18, 2025 at 1:30 p.m., to be followed by a settlement conference at 2:00 p.m. (Dkt. 31 at 2.) The Court ordered the parties to submit, no later than June 11, 2025, a "joint status letter outlining the progress of discovery to date." (*Id.*) The Court also issued a separate order scheduling the settlement conference, and requiring the parties to conduct at least one "good-faith settlement discussion, in person or by telephone," "convey to each opposing party at least one good-faith settlement demand or offer," and each "submit a confidential settlement letter to chambers by email" no later than June 11, 2025. (Dkt. 32 ¶¶ 2-3.)

On June 11, 2025, instead of a joint letter, the Court received a letter from plaintiff's counsel only, noting that "due to Defendant's counsel's failure to return my call, the parties were unable to conduct any meaningful negotiations today" and that plaintiff's counsel "was unable to include defense counsel in this joint letter, despite a draft having been provided to him yesterday." (Dkt. 33 at 1.)

On the morning of June 12, 2025, neither party having submitted a confidential settlement letter, my chambers staff sent an email to both parties, as a courtesy, directing them to promptly submit the required settlement letters. Later that day, plaintiff submitted a letter, indicating that the parties have not conducted the required settlement discussion. Defendant then

sent an Acknowledgement Form to chambers by email (*see* Dkt. 32 at 5), but not the required settlement letter.

Consequently, it is hereby ORDERED that, by **close of business on June 16, 2025**:

1. The parties must meet and confer in **real time** (*i.e.*, in person or by telephone), exchange at least one good-faith settlement demand or offer, and submit a joint confidential settlement letter to chambers by email, addressed to Moses\_NYSDChambers@nysd.uscourts.gov, marked "Confidential Material for Use Only at Settlement Conference." The letter must briefly describe the parties' settlement negotiations to date, including the date and time of the parties' last good-faith, real-time, settlement discussion, and the terms of each party's most recent demand or offer.
2. Separately from the joint letter described above, defendant must submit a confidential settlement letter to chambers by email, in accordance with Dkt. 32 ¶ 3.

Judge Moses normally holds only one settlement conference per case. Consequently, the parties are required to demonstrate, prior to the conference, that they have meaningfully initiated the negotiation process, and that the conference is likely to be fruitful. Failure to comply with this Order will result in the cancellation of the settlement conference scheduled for June 18, 2025, and may result in sanctions pursuant to Fed. R. Civ. P. 16(f)(1)(C).

Dated: New York, New York  
June 13, 2025

**SO ORDERED.**



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**BARBARA MOSES**  
**United States Magistrate Judge**